



Gregory Anderson <greg@lawofficeofgregoryanderson.com>

Wolf Discovery Meet & Confer

Henry Elster <henry@elsterlaw.com>

Tue, Nov 1, 2022 at 2:32 PM

To: "Buttaro, Andrew M." <andrew.buttaro@morganlewis.com>, "Solomont, Charles L." <carl.solomont@morganlewis.com>, Gregory Anderson <greg@lawofficeofgregoryanderson.com>

Andrew:

Good afternoon. This is a follow-up to our previous phone call about discovery (before the motion to stay discovery was filed) and the discovery objections that were issued on 8/24. As you know, under the amended CMO, we have until March 31, 2023 to complete all discovery. There are earlier discovery deadlines, including on 12/2 and 1/13.

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Similarly, please withdraw your objections to the remaining discovery items. Local Court Rule 3.04 contemplates a meet and confer in person or by telephone to discuss motions relating to discovery before they are filed. To that end, please let me know if any of the following dates and times work to discuss all of your discovery objections:

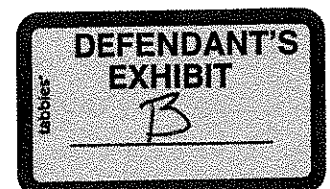
11/4 (afternoon)
11/7 (after 2pm CST)
11/11 (anytime)
11/15 (anytime)
11/16 (anytime)

Thanks. Please accept this email as a sincere attempt to resolve a discovery dispute without court intervention.

--

Henry Elster
225 S. Meramec, #325
Clayton, Missouri 63105
(Telephone) (314) 727-0868
E-mail: henry@elsterlaw.com

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Gregory Anderson <greg@lawofficeofgregoryanderson.com>

Wolf Discovery Meet & Confer

Buttaro, Andrew M. <andrew.buttaro@morganlewis.com>

Mon, Nov 21, 2022 at 9:26 PM

To: Henry Elster <henry@elsterlaw.com>, Gregory Anderson <greg@lawofficeofgregoryanderson.com>

Cc: "Buttaro, Andrew M." <andrew.buttaro@morganlewis.com>, "Solomont, Charles L." <carl.solomont@morganlewis.com>, "Tyler C. Schaeffer" <tcs@carmodymacdonald.com>

Henry,

Thanks for speaking with me earlier today. As discussed, we stand by our motion to stay and maintain that the proper approach in this case is to resolve dismissal of the counterclaims before engaging in full-fledged discovery. With that said, we would like to avoid burdening the Court and the parties with a motion to compel, particularly given the upcoming holidays.

To that end, we propose that, if you refrain from moving to compel, we would agree to serve supplemental responses and objections to the document requests and interrogatories by January 13, 2022. We also would agree to make a substantial production of documents by that date. We believe that this supplementation of our discovery requests and supplemental production will substantially narrow the issues that your motion to compel will raise. We also believe there is efficiency in this approach in that, by the time your motion is fully briefed, argued, and decided, you will have been able to see the extent to which the supplementation narrows or eliminates the issues.

Again, this proposal is not a recognition that this discovery is warranted or proper; we stand by our motions. Rather, it is effort to reach a compromise on this matter while the motion to stay and the motion to dismiss are pending.

Please let us know if you are amenable to our proposal. Thank you.

Andrew M. Buttaro

Morgan, Lewis & Bockius LLP

One Federal Street | Boston, MA 02110-1726

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Assistant: Nancy H. Mailloux | +1.617.341.7700 | nancy.mailloux@morganlewis.com

From: Henry Elster <henry@elsterlaw.com>

Sent: Monday, November 21, 2022 3:50 PM

To: Buttaro, Andrew M. <andrew.buttaro@morganlewis.com>

Subject: Re: Wolf Discovery Meet & Confer

[EXTERNAL EMAIL]

Call 314-283-8930.

On Sat, Nov 19, 2022, 7:52 AM Buttarro, Andrew M. <andrew.buttaro@morganlewis.com> wrote:

Great, thanks. I'll call you then.

Andrew M. Buttarro

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Assistant: Nancy H. Mailloux | +1.617.341.7700 | nancy.mailloux@morganlewis.com

From: Henry Elster <henry@elsterlaw.com>

Sent: Saturday, November 19, 2022 8:48 AM

To: Buttarro, Andrew M. <andrew.buttaro@morganlewis.com>

Cc: Gregory Anderson <greg@lawofficeofgregoryanderson.com>; Solomont, Charles L. <carl.solomont@morganlewis.com>; Tyler C. Schaeffer <tcs@carmodymacdonald.com>

Subject: Re: Wolf Discovery Meet & Confer

[EXTERNAL EMAIL]

Yes, let's tentatively plan on Monday at 4 ct.

On Sat, Nov 19, 2022, 6:24 AM Buttarro, Andrew M. <andrew.buttaro@morganlewis.com> wrote:

Henry,

Would 5 p.m. ET / 4 p.m. CT on Monday work for you? I could potentially do a little later than that (maybe 5:30 p.m. ET), but I have a hard stop at 6 p.m. ET.

I am free Tuesday as well if you can make time outside of your hearing. Early Wednesday is also fine.

Thanks.

Andrew M. Buttarro

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From: Henry Elster <henry@elsterlaw.com>
Sent: Friday, November 18, 2022 6:16 PM
To: Buttarro, Andrew M. <andrew.buttaro@morganlewis.com>
Cc: Gregory Anderson <greg@lawofficeofgregoryanderson.com>; Solomont, Charles L. <carl.solomont@morganlewis.com>; Tyler C. Schaeffer <tcs@carmodymacdonald.com>
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[EXTERNAL EMAIL]

Sorry, I couldn't do today. I can potentially do late Monday afternoon. I have a depo in the morning and an injunction hearing Tuesday.

On Fri, Nov 18, 2022, 9:06 AM Buttarro, Andrew M. <andrew.buttaro@morganlewis.com> wrote:

Henry,

Do you have time this afternoon (4 p.m. ET or after) or Monday morning / early afternoon to follow up on the issues we addressed in the meet and confer?

Thank you.

Andrew M. Buttarro

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From: Henry Elster <henry@elsterlaw.com>
Sent: Tuesday, November 8, 2022 3:14 PM
To: Buttarro, Andrew M. <andrew.buttaro@morganlewis.com>
Cc: Gregory Anderson <greg@lawofficeofgregoryanderson.com>; Solomont, Charles L. <carl.solomont@morganlewis.com>; Tyler C. Schaeffer <tcs@carmodymacdonald.com>
Subject: Re: Wolf Discovery Meet & Confer

[EXTERNAL EMAIL]

Join Zoom Meeting
<https://us06web.zoom.us/j/86050486453>

Meeting ID: 860 5048 6453
One tap mobile
+13126266799,,86050486453# US (Chicago)
+16465588656,,86050486453# US (New York)

On Thu, Nov 3, 2022 at 2:37 PM Buttaro, Andrew M. <andrew.buttaro@morganlewis.com> wrote:

Henry,

I just started parental leave and Carl has a busy travel schedule through next week, so Wednesday, 11/16, at 11 a.m. ET works best for us. Please circulate call information for that time.

We will not be withdrawing any objections ahead of that call. And we obviously disagree with much of your discussion below, but given that we will be conferring, we can address these topics, as needed, on our call.

Andrew M. Buttaro

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